REMARKS

Applicants acknowledge the Examiner's withdrawal the previous rejections. Claims 1-21 are pending in the application, and independent claims 1 and 14 have been amended herein. Support for the amendments may be found in the Application at least at page 5, lines 10-11 and 15-16. Favorable reconsideration is requested in view of the following remarks.

I. Independent Claims 1 and 14

Independent claim 1 stands rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Agraharam et al., U.S. Patent No. 6,035,339 (Agraharam). Independent claim 14 stands rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Agraharam in view of other more tertiary references. Agraharam, however, does not disclose or suggest several features of the claimed invention. In particular, Agraharam does not disclose or suggest that a sending end client of a second user that originates a message evaluates content-capability information of a receiving client of a first user.

To clarify features of the invention, independent claims 1 and 14 have been clarified to recite that the receiving end and sending end clients are ***user devices***. The claimed invention improves multi-media messaging service ("MMS") performance by incorporating content-capability evaluation directly into the operation of a sending end client of a user that originates an MMS message. In other words, the sending end client that originates an MMS message analyzes the content capabilities of a receiving end client of a first user that is to receive the MMS message. If appropriate, the sending end client may adapt the MMS message to the content capabilities of a receiving end client, or not send a message at all. Because the content analyzing and adaptation functions are integrated into the originating sending client, the waste of resources is reduced.

At the outset, the system of Agraharam is not a messaging system at all between two user client devices. Rather, Agraharam discloses a system for obtaining information from a network terminal or information service provider. As such, there is no exchange of information between two ***end clients of first and second users*** as now recited in independent claims 1 and 14. In this vein, from Agraharam the Examiner identifies terminals 112 and 114 as end user terminals, but there is no exchange of any

information between the end user terminals in the system of Agraharam. Accordingly, because Agraharam does not disclose a messaging system between end user clients at all, the system of Agraharam differs substantially from the claimed invention.

The system of Agraharam, therefore, is comparable to prior art content-capability negotiation systems as described in the Application. In conventional systems, a network server performs a content-capability analysis by extracting user profile information from a repository or local cache. (Application at page 4, lines 3-19.) Similarly, in the system of Agraharam the content-capability information may be extracted from a repository (database 118) or local cache (results of a program executed by the terminal 114 as obtained within the network information delivery device 110). (See, e.g., Agraharam at col. 2, col. 3, lines 34-36 and col. 4, lines 5-13.) Thus, like prior art systems, the content-capability analysis in the system of Agraharam is performed by a centralized network device, rather than at an end-user client terminal.

The Examiner also appears to consider the network information delivery device 110 to be a "sending end client that ***originates the message.***" The network information delivery device 110 of Agraharam, however, is not the sending end device that originates the message. The network device 110 only ***responds*** to requests for information from an end user terminal. In addition, the device 110 retrieves requested information from an information source 108 or other remote information sources via the LEC 106. (See Agraharam at col. 4, lines 31-35.) The transmitted content, therefore, does not originate from within network device 110 as asserted by the Examiner.

Accordingly, the system of Agraharam lacks several features of the claimed invention. Agraharam, therefore, does not anticipate independent claim 1, and a combination of Agraharam and the other tertiary references does not render independent claim 14 obvious. The rejections of claims 1 and 14, therefore, should be withdrawn.

II. <u>The Remaining Claims</u>

Claims 2-13 and 15-21 all stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over the combination of Agraharam and other more tertiary references. These claims all depend from claims 1 or 14, and therefore are patentable for at least

the same reasons. A review of the tertiary references reveals that they do not supply the above deficiencies of Agraharam. Accordingly, the rejection of these claims should be withdrawn.

III. Conclusion

In view of the foregoing, claims 1-21 are believed to be allowable, and the application is believed to be in condition for allowance. Accordingly, request is made for timely issuance of a notice of allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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